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93RD ASSEMBLY DISTRICT

To: Assembly Committee on Transportation
From: Representative Jeff Smith
Date: January 21, 2010
Subject: AB 429

Representative Smith Testimony on AB 429

Thank you chairman Steinbrink and committee members, for holding this hearing today and giving me the opportunity to submit testimony in support of AB 429, a sensible safety initiative. I'd also like to thank Senator Taylor for her leadership on this issue.

There is overwhelming evidence that cell phone use while driving increases the risk of an accident. According to the Insurance Institute for Highway Safety, drivers who use cell phones are four times more likely to be in a crash while using a cell phone. The Harvard Center for Risk Analysis reported that the annual cost of crashes caused by cell phone use is estimated to be \$43 billion. The Harvard Center for Risk Analysis also reported that cell phone use contributes to an estimated 6 percent of all crashes, which equates to 636,000 crashes, 330,000 injuries, 12,000 serious injuries and 2,600 deaths annually. Finally, a 2006 University of Utah study showed that motorists who talk on handheld or hands-free cellular phones are as impaired as drunken drivers.

Nationally, 7 states (California, Connecticut, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia have a jurisdiction-wide ban on driving while talking on a hand-held cellphone. The use of all cellphones by novice drivers is restricted in 21 states and the District of Columbia. Text messaging is banned for all drivers in 18 states and the District of Columbia.

This bill prohibits a person from using a wireless telecommunications device while driving. A "wireless telecommunications device" is defined as any cellular telephone two-way radio or citizens band radio, personal digital assistant, or other device while being used by the device's operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device's operator.

There are exemptions included in this legislation. The bill does not include any GPS device installed in or on a vehicle. There is an exemption for a person using a wireless telecommunications device that allows the person to talk and listen without holding the



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device or any handset or receiver and the person does not hold or touch the device or handset. This exemption does not apply to individuals under the age of 18 who hold a probationary license, for whom use of a cell phone while driving is banned entirely. There is an exemption for use of a wireless telecommunications device in response to an emergency or by an operator of an authorized emergency vehicle.

I have introduced an amendment that will provide certain exemptions. First, this amendment clarifies the exemption provided for global positioning devices. In conversations with constituents and law enforcement, it's clear that when used properly, these devices can actually help people drive safer. Secondly, this amendment provides an exemption for amateur radio operators, who assist our emergency response system across the state. Also, this amendment provides an exemption for commercial drivers, when using citizens band radios in their ordinary course of business. Lastly, this amendment allows public utility, telecommunications and service workers to provide services in the course of maintenance, installation or repair.

This legislation is about safety for Wisconsin families. AB 429 will help law enforcement keep our roads safer by cracking down on the widespread, and dangerous activity of using cell phones while driving. The comprehensive prohibition outlined in the bill provides needed exceptions for emergency vehicles and for emergency situations while eliminating a threat to public safety on our roadways.

I commend my colleagues for the action we took on Tuesday to pass legislation that will ban texting while driving. That was a great first step and now it's time Wisconsin enact the safety measures outlined in AB 429.

Thank you again for your consideration.

Sincerely,

Jeff Smith
State Representative
93rd Assembly District